



Order Filed on December 26, 2017  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

UNITED STATES BANKRUPTCY COURT District of New Jersey
<b>Caption in Compliance with D.N.J. LBR 9004-1(b)</b>  Albert Russo CN 4853 Trenton, NJ 08650 (609) 587-6888 Standing Chapter 13 Trustee
In re:   Nicholas Avicolli

Case No.: 17-31054 / CMG

Chapter: 13

Hearing Date: December 20, 2017

Judge: Christine M. Gravelle

### CHAPTER 13 STANDING TRUSTEE PRE-CONFIRMATION ORDER OF DISMISSAL

The relief set forth on the following page is **ORDERED**.

**DATED: December 26, 2017**

  
\_\_\_\_\_  
Honorable Christine M. Gravelle  
United States Bankruptcy Judge

The Court having determined that dismissal of this case is appropriate, it is hereby

ORDERED that the debtor's case is dismissed for:

- failure to attend the Section 341(a) meeting
- failure to make all required pre-confirmation payments to the Trustee
- lack of prosecution
- failure to attend Confirmation Hearing
- failure to resolve Trustee and/or creditor objection

and it is further

ORDERED that:

Pursuant to 11 U.S.C. § 349(b), this court for cause retains jurisdiction over any application filed within 14 days of the date of this order by any administrative claimant for funds on hand with the Chapter 13 Standing Trustee.

Any funds held by the Chapter 13 Standing Trustee from payments made on account of the debtor's plan shall be disbursed to the debtor, less any applicable trustee fees and commissions, except any adequate protection payments due under the proposed plan, or by Court order.

Any *Order to Employer to Pay the Chapter 13 Trustee* that has been entered in this case is vacated, and the employer is ordered to cease wage withholding immediately.

All outstanding fees due to the Court are due and owing and must be paid within 7 days of the date of this order.

Certificate of Notice Page 3 of 3  
United States Bankruptcy Court  
District of New Jersey

In re:  
Nicholas Avicolli  
Debtor

Case No. 17-31054-CMG  
Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-3

User: admin  
Form ID: pdf903

Page 1 of 1  
Total Noticed: 1

Date Rcvd: Dec 27, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 29, 2017.

db Nicholas Avicolli, 985 Papen Rd, Bridgewater, NJ 08807-1358

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Dec 29, 2017

Signature: /s/Joseph Speetjens

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**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 27, 2017 at the address(es) listed below:

Albert Russo docs@russotrustee.com  
David E. Shaver on behalf of Debtor Nicholas Avicolli dshaver@bnfsbankruptcy.com  
Denise E. Carlon on behalf of Creditor The Bank of New York Mellon FKA The Bank of New York,  
as Trustee for the certificateholders of the CWABS, Inc., Asset- Backed Certificates, Series  
2007-4 dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com  
Denise E. Carlon on behalf of Creditor The Bank of New York Mellon FKA The Bank of New York,  
as Trustee for the certificateholders of the CWABS, Inc., Asset-Backed Certificates, Series 2007-1  
dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com  
Rebecca Ann Solarz on behalf of Creditor The Bank of New York Mellon FKA The Bank of New York,  
as Trustee for the certificateholders of the CWABS, Inc., Asset- Backed Certificates, Series  
2007-4 rsolarz@kmlawgroup.com  
Rebecca Ann Solarz on behalf of Creditor The Bank of New York Mellon FKA The Bank of New York,  
as Trustee for the certificateholders of the CWABS, Inc., Asset-Backed Certificates, Series 2007-1  
rsolarz@kmlawgroup.com  
Steven J. Abelson on behalf of Creditor Mathew Property Inc./Ned Moftah sjaesq@atrbklaw.com,  
atrbkl@gmail.com;r49787@notify.bestcase.com  
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 8